HAZEL M. ROBY, as Administratrix of the Estate of RONALD TYRONE ROBY, Deceased,)))
Plaintiff,)
v.) CIVIL ACTION NO.: 2:05CV494-T
BENTON EXPRESS, INC., et al,)
Defendants.)

DEFENDANT'S MOTION TO WITHDRAW MOTION TO STAY

COMES NOW the Defendant, Benton Express, Inc., and, in response to the Court's order (Doc. No. 89), moves the Court to withdraw Defendant's Motion to Stay (Doc. No. 83). In support thereof, Defendant states that it is withdrawing its Petition for Writ of Mandamus to the Eleventh Circuit Court of Appeals.

Respectfully submitted,

s/ Gregory A. Brockwell BRETT A. ROSS (ASB-6771-O76B) GREGORY A. BROCKWELL (ASB-9949-R49B)

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following on this the 10th day of February, 2006:

Jere L. Beasley Labarron N. Boone Julia A. Beasley BEASLEY, ALLEN, CROW, METHVIN, PORTIS & MILES, P.C. 218 Commerce Street P.O. Box 4160 Montgomery, AL 36103-4160

> s/ Gregory A. Brockwell Of Counsel